

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO

June 12, 2007

Meeting

Chairman Michael McFarland called this meeting of the Tipp City Planning Board to order at 7:30 p.m.

Roll Call

Roll call showed the following Board members present: Mike McFarland, John Berbach, Robert Horrocks, and Mark Springer.

Others in attendance: Assistant City Manager Brad Vath, City Planner/Zoning Administrator Matt Spring, and Board Secretary Marilyn Fennell. Those signing the guest register included: Joe Bagi, Roy & Marilyn Roller, Rick Mosier, Mark G. Lee, Richard Oaks, Tony Schroeder, John Kronour, David Dodd, Tom Boardman, Breck Cowell, Denise Hooper, Elden Eidemiller, and Colleen Eidemiller. Mike Kelly of the *Tipp Herald* and Nancy Bowman of the *Dayton Daily News* were also present.

Approval of Minutes
May 8, 2007 Meeting

Mr. Berbach moved to approve the minutes of the May 8, 2007 meeting. Mr. Springer seconded the motion. Motion carried 4-0.

**Items not on the
Agenda**

There were no comments on items not on the agenda.

NEW BUSINESS

Deadline Dates

Chairman McFarland announced that the next regularly scheduled Planning Board meeting would be held Tuesday, July 10, 2007. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on June 18, 2007 and temporary sign requests for display over 30 days must be submitted by 5:00 p.m. on July 5, 2007.

Swearing in-those
wishing to give testimony

Those wishing to speak during the next two public hearings, regarding Fieldstone Place and David and Carolyn Glaser, were sworn in at this time by Mr. Vath, notary.

Fieldstone Place, 105,
125, 155, 175 E
Evanston Rd., Pt IL
3601, PRD-
Preliminary Plat

Mr. McFarland **moved to open the public hearing.** Mr. Horrocks seconded the motion. Motion passed 4-0. Mr. Spring said this proposed subdivision will be located near the intersection of Evanston Road and S. County Road 25A. The preliminary plan for the Fieldstone Place Senior Living Campus was being presented for approval. It is approximately 44.5 acre in area. It will provide an assisted living facility (with a memory care unit), congregate living apartments, and independent living cottages. The original layout has been reconfigured from one inlot of record to three separate inlots. The Pre-application sketch was approved by Planning Board on March 13, 2007. There are a number of items that need to be reviewed for this Preliminary Plan.

Mr. Spring continued that a "Vicinity Map" provided shows the approximate locations and sizes of the public sewers, water lines, storm drainage systems, and other utilities and installations. Fieldstone Place will access its primary water supply by extending the existing 12" water line southerly from the Northgate Commerce Center at Kinna Drive. It will cross CR25A near the entrance of Fieldstone Place and it will continue southerly tying into the existing NAWA 24" water main at Evanston Road. The water will also extend thru the subdivision to the

southwest boundary. The property owners, Nick Bensman (Gateway Center Ltd.) and Vincent Staub have provided tentative written approval for the required easement for the extension of the 12" water line, sanitary sewer and storm sewers.

Mr. Spring continued that the extension of an 8" sanitary sewer will need to be added for the Final Plan review. This will extend northerly to the northern property line of the subdivision. He said the storm water will be detained and retained on site. It will be discharged through a 30" storm sewer pipe at the pre-development rate easterly to the creek on the Staub and Borchers property.

A topographic overlay to 1' intervals has been provided and includes boundary lines, bearings, and distances. This area under consideration is essentially a farm field with no significant physical features that affect the site.

Mr. Spring said the subdivision will provide 85 assisted living units, 138 congregate living units, and 72 independent living units (condominiums). The staff report broke down the number of beds, suites, parking spaces, etc.

There will be no public streets within its boundaries. But the subdivision must comply with Code §155.107(D) regarding the widening of Evanston Road and CR 25A.

Mr. Spring continued that the proposed subdivision will include 3 inlots. The existing lots will be replatted into three new inlots of record. They are shown on Page 3 of the Preliminary Plan. The three lots as follows: #1- 9.092 acres, #2- 9.859 acres, and #3- 25.627 acres. This was a requirement of the lending institutions for the project. If Fieldstone Place would default prior to build-out and/or completion, the lending institutions would have the option of selling off any remaining lots as they see fit. Each individual lot would be required to meet the specifications of a PR, Planned Residential subdivision. Code requires a certain density within a PRD. It allows up to 10 dwelling units per acre for a development that contains a combination of single, two, and three-family dwelling units. As given in the staff report, the density (units/acre) of the three inlots for the proposed subdivision is as follows: Lot 3- 9.6, Lot 2- 14, and Lot 1- 2.8. Code §154.056(I)(4)(b) states the Planning Board may vary the density to achieve an improved site design and surrounding neighborhoods will not be adversely affected.

Mr. Spring said another consideration is the setback of which §154.056(I)(9) states there should be a setback of 50' along the perimeter. The proposed subdivision creates lot lines that traverse proposed buildings. An example is the north-south lot line between Lots 1 and 2 crosses the eastern tip of the congregate living building, thus creating lots with a 0' setback. The proposed setbacks have been delineated in the staff report and on pages 3 & 4 of the Preliminary Plan. The lot line passing directly through a proposed building is atypical and contrary to good planning practices. If Planning Board approves the proposed Preliminary Plan, it will be a requirement of the developer to provide any additional safeguards, as required by the Miami County Building Regulations Department.

Mr. Spring said the entire development meets the minimum common open space, but Lot 1 (as a stand-alone) does not meet the minimum open space requirements. Ingress/Egress considerations include Lot 2 which has no direct access to a City thoroughfare. The applicant has proposed a perpetual 50' ingress/egress and utility easement over the proposed eastern drive aisle onto Evanston Road located in lot 1. This easement would allow clients, employees, etc to legally enter and exit Lot 2 through Lot 1 regardless of ownership of lots.

The Thoroughfare Plan requires the subdivider to be responsible for all required improvements, including the required pavement width on an undivided street. The new Tipp City Thoroughfare Plan requires that Evanston Road incorporate a 70' right-of-way and CR 25A incorporate a 100' right-of-way.

Mr. Spring continued there will be 430 off-street parking spaces including 156 private garage spaces, 263 exterior off-street spaces, and a minimum of 11 handicapped spaces. In accordance with code the subdivision must incorporate a minimum of 25% open space. The subdivision will contain 44.578 acres with a total open space of 11.857 acres or 26.6%.

Mr. Spring said the applicants have provided an overlay of the proposed structures on the Preliminary Plan. He gave a breakdown of the six phases. The sanitary and water lines are to have a minimum 10' utility easement with all specific easements shown on the Final Plan. The proposed detention and retention easements shall incorporate an easement over their entirety. The applicant has retained attorney Michael Staudt for the promulgation of applicable Covenants, Deeds, and Restrictions. A copy of this document will be forwarded with the Final Plan. The storm water detention will be provided for by on-site detention and retention for the entire subdivision. The storm water will exit the subdivision at a rate equal to the pre-development rate. Two detention basins are to be located along Evanston Road and two retention basins along CR 25A. The storm water drainage calculations will be provided with the Final Plan for approval.

Mr. Spring said staff recommends two conditions for the approval of this Preliminary Plan:

- 1) The Planning Board grants a variance of 4 dwelling units per acre for the density requirement for Lot 2 as noted in Code §154.056(I)(4)(a)(3).
- 2) The Planning Board grants a variance of 9% open space for the open space requirement for Lot 1 as noted in §154.056(I)(10).

He continued that if the Planning Board approves the Preliminary Plan, the applicant will seek approval of the Final Plan for Fieldstone Place Phase 1 and the Board should set a Public Hearing for July 10, 2007 for consideration of the Final Plan.

Mr. McFarland asked the Board members if they had any questions. Mr. Springer asked about the setback in Curry Branch. Mr. Vath said the minimum is 7.5'. He said the setbacks are unique in this new project between the two primary buildings on Lot 1 and Lot 2 as they touch each other and then at another point they narrow towards each other. Mr. Vath said the reference to the setbacks is from Lots 1, 2,

and 3. He also noted that if the Board approves the Preliminary Plan, Council would have a resolution to approve the Preliminary Plan at their June 18th meeting. Therefore the July 10th date is needed for the Public Hearing for the Final Plan.

Mr. Springer asked if Mr. Vagedes approved the detention basin requirement. Mr. Vath said tonight's review is only for the Preliminary Plan, the Final Plan is when that information is needed. Mr. McFarland asked what was the build-out time for the entire project. Mr. Rick Mosier came forward. He said it was 6-10 years.

Mr. McFarland asked if the Fire Dept. had any concerns regarding the Plan. Mr. Mosier said he had spoken with the Building Dept. and the common walls were discussed. Mr. Berbach asked about the traffic patterns for fire equipment. Mr. Vath said they ran turning radiuses and patterns and Mr. Schroeder with Choice One Engineering can address that. Mr. Schroeder came forward and stated that they have run those radiuses and fire and emergency services vehicles will be able to get thru the subdivision.

Mr. McFarland asked for further questions or comments. Mr. Springer said he looked at the density but this is not your typical residential development, the nature of it will drive up the density. Mr. Vath noted that this senior type of development will have minimal impact or negligible impact on the school system due to the lack of students living in these units. Mr. Springer asked will the power lines on the north side of Evanston Road remain. Mr. Vath said those lines will remain.

There being no further comments, Mr. Berbach **moved to close the public hearing**. Mr. Springer seconded the motion and it passed unanimously.

Mr. Springer **moved to approve the Preliminary Plan for Fieldstone Place, Inlot 3601, being Inlots 105, 125, 155, & 175 Evanston Road with the conditions noted in the staff report granting the variances for the density for Lot 2 and open space for Lot 1**. Mr. Horrocks seconded the motion. Motion passed: 4 Ayes.

Mr. McFarland **moved to set a public hearing for the Final Plan for Fieldstone Place for July 10, 2007**. Mr. Berbach seconded the motion. Motion passed unanimously.

Public Hearing: David & Carolyn Glaser, 1330 E. Evanston Rd., IL 4043 & 4044-Zoning Map Amendment R-1 to R-1A

Mr. McFarland **moved to continue the public hearing until the July 10, 2007 Planning Board meeting at the request of the applicant, David & Carolyn Glaser**. Mr. Springer seconded the motion. Motion carried 4-0. The applicant is seeking to only rezone part of the acreage and his engineer has not completed the map and legal description.

Menard's & DCWI-Tipp City LLC, Weller Drive, Kinna Dr. & Harmony Dr., Inlots 2136, 2138, 2148, 3243, 3268, & Pt. IL 2135- Final Plat

Mr. Vath said this is the Final Plat for the Menards Commercial Park that will encompass 66.6621 acres. There are 6 new lots of record being created and one existing lot, #5 on the Final Plat. Lots #1 and part of #2 are zoned I-1, Light Industrial. The Park provides for the completion of Harmony Drive, Kinna Drive, Larch Street, and Weller Drive. This is recommended by the Tipp City Master Development Plan

and the Thoroughfare Plan. In addition, this project will include a new traffic signal at the intersection of Kinna Drive and W. Main Street. This was an existing requirement from the old Tipp City Interstate Park. The existing Harmony Drive stub will be vacated and that intersection will be moved northerly approximately 80 feet. The thoroughfare construction requirements are delineated in Code §155.092(D). He also referred to Code §155.095(A) for the required improvements and Code §155.117(B) refers to the guarantee required. There are provisions for the Planning Board to make modifications in the subdivision approval process. They may waive any or all of the code sections as noted in the staff report.

Mr. Vath continued that Menards hired CESO to do a traffic impact study (TIS) of the proposed subdivision and the adjacent roadway systems. The primary issue was the impact of the development and traffic patterns from the subdivision with an understanding of the traffic jams that sometimes occurs on southbound Weller Drive at W. Main Street. CESO assigned a 5% factor to Weller Drive, which meant that 5% of the traffic would be heading south and exiting towards I-75. 95% of the traffic would moving out Harmony, either straight out to CR 25A or turning onto Kinna Drive and then onto W. Main Street. There were two options offered to Menards by Tipp City's traffic engineer, Richard Oaks, as a companion to the study done by CESO. The first option is to provide a roadway bump-out that prohibits the southbound traffic on Weller Drive, south of Harmony Drive. The second was to provide a "jug-handle" to allow traffic to come south on Weller to the intersection of Harmony Dr., go west on Harmony and do a loop around and come back around. In discussion with Menards, option #1 was the best for them.

Mr. Vath said a variety of easements are shown on the Final Plat, different utility easements on the interior and exterior property lines. He said there is a 25' turn-around easement at the northern terminus of Weller Drive. An existing 20' utility easement located on Lot #3 will be vacated. The 45' x 238' detention basin, easement will remain on Lot #3. The largest easement is on the eastern half of Building Lot #4 which will be a storm water retention/detention area for the entire subdivision. It will be utilized as a regional detention area for Building Lots 3, 4, 5, and 6, 45.5285 acres. On-site detention must be provided for Building Lots 1, 2, and 7 on the individual lots. The subdivision storm sewer system will be constructed to allow for a discharge point for these on-site detention basins. Mr. Vath continued that the storm wager calculations were accomplished utilizing a 90% impervious surface co-efficient.

Mr. Vath said surety will be required for the required thoroughfare construction and all required public improvements prior to the second reading of the ordinance accepting the Final Plat. Mr. Vagedes, City Engineer, has approved Choice One Engineering's estimate of \$1,448,547.45 for all public improvements.

A supplemental packet was received by Planning Board members on Monday, June 11, which included the construction and subdivider's agreements for the subdivision. Mr. Vath said these documents contractually bind Menards to the City for these items. There was also a suggested revised motion in the packet with 5 conditions for approval listed. Mr. Vath read through those conditions.

- 1) The applicant shall provide \$1,448,548 surety (bond, irrevocable letter of credit, cash) per Code §155.117(B) for the

required thoroughfare construction and all required Public Improvements prior to the 2nd reading and public hearing of the Ordinance by City Council approving the Final Plat.

- 2) Planning Board waives the initial installation and surety requirements for sidewalks on lots 1, 2, 3, & 6 (except for western side), and the detention basin on lot 4. Said sidewalks shall be installed when these lots are developed or required by the City.
- 3) That the 4" sanitary sewer lateral on Kinna Drive to Construction Lot #4 be deleted from the plans.
- 4) That a 24'-26' wide apron on Kinna Drive to Construction Lot #7 be included on the plans for the Church of the Nazarene.
- 5) That any drafting changes recommended by the Miami County Engineers Department to the Final Plat be made.

Mr. Vath said Menard's representative, Mark Lee, Tony Schroeder of Choice One Engineering, and the City's traffic engineer Richard Oaks were present to answer any questions. Mr. McFarland asked for comments or questions. Mr. Springer asked Mr. Oaks about the two options for the traffic pattern. Mr. Vath referred the Board to Attachment C, 2 maps. Mr. Oaks explained the difference between the "jug-handled" concept and the other option, a bump-out. Mr. Vath said the idea was to avoid more problems with the signal and traffic at West Main St. Option 2 offered a northbound lane on Weller with access to Harmony. Vehicles eastbound on Harmony could go north on Weller but not south. Southbound on Weller north of Harmony would need to head west on Harmony and then on west to CR 25A or turn south on Kinna Drive. Mr. Springer asked about delivery trucks to Menards. Mr. Vath said the delivery area is on the north side of the facility. They would proceed north on Weller Drive to the truck delivery entrance. Mr. Vath said Lots 3 & 5 would have access, which are south of Harmony Drive, for 2-way access to Weller Drive. Mr. Oaks said the Menards traffic predictions not quite doubled the expectations for that area. Part of the problem with Weller is the short distance from I-75 to Weller Drive.

Mr. Springer asked if there was an idea of how many deliveries a day there would be for Menards. Mr. Oaks said he did not have any concerns with either option presented for Menards deliveries. Mr. Vath said possibly Mr. Lee could answer that question when he comes forward. Mr. Springer asked if there was an Option 3. Mr. Vath said there a number of options considered. Passive signage, in hope that would work, was discussed. 95% of the traffic needs to move out Harmony. The original placement of Weller Drive is something that has to be dealt with, and these are the two options suggested by CESO, hired by Menards. Mr. Springer asked about Lot 5. Mr. Vath said it will be sold as will the other lots by Menards; there is no specific end-user at this time. Menards building will be on Lot #4. Mr. McFarland asked about eliminating the signal at Weller. Mr. Vath said that would not be possible as we have established a turn lane on Weller onto W. Main St. Mr. McFarland said Option 1, the jug-handle, would be abused,. He said Option 2 is probably the best-case scenario.

Mr. Lee came forward and said from day one, Menards thought they would have signage to direct people and not physically force people to make that right-hand turn onto Harmony. He said they have given up on that thought. The bump-out option is being accepted. Mr. McFarland

said most local people might follow that but the potential for large back-ups is there. Mr. Springer asked about the truck volume. Mr. Lee said he did not know the answer to that question. It could be much busier in the spring/summer season. Mr. McFarland asked if any of the deliveries are done at night. Mr. Lee said they are done during store hours there is no staff there to accept deliveries after store hours.

Mr. Berbach asked about the initial surety requirements. Mr. Vath said Planning Board has the option to waive in commercial/industrial subdivisions to require sidewalks to go in and in residential subdivisions that all sidewalks will go in. When the lots are developed the sidewalks must be installed by the party developing the lot. The current sidewalk configuration does allow someone to walk from 571 north on Weller Drive and go around Menards to Larch Street. There will be future sidewalk installed along Kinna Drive.

Mr. Springer said he was still concerned about the truck traffic. He said he can envision trucks making the turn from W. Main Street to Weller Drive and snaking around the bump-out. Mr. Vath gave an example of Transfreight and when they moved to Tipp, their drivers were asked to use CR 25A and Exit 69. Hopefully Menards will also be a good corporate neighbor and ask their drivers to use Exit 69, come down CR 25A and turn onto Harmony and back out that way, to avoid any congestions problems at Weller Drive. Mr. Springer said he just sees a huge problem if they do not use that route.

Mr. McFarland moved to forward approval of the Final Plat for Menards Commercial Park to City Council with the conditions listed in the revised staff report:

- 1) The applicant shall provide \$1,448,548.00 surety (bond, irrevocable letter of credit, cash) per Code §155.117(B) for the required thoroughfare construction and all required Public Improvements prior to the 2nd reading and public hearing of the Ordinance by City Council approving the Final Plat.
- 2) Planning Board waives the initial installation and surety requirements for sidewalks on lots 1, 2, 3, & 6 (except for western side), and the detention basin on lot 4. Said sidewalks shall be installed when these lots are developed or required by the City.
- 3) That the 4" sanitary sewer lateral on Kinna Drive to Construction Lot #4 be deleted from the plans.
- 4) That a 24'-26' wide apron on Kinna Drive to Construction Lot #7 be included on the plans for the Church of the Nazarene.
- 5) That any drafting changes recommended by the Miami County Engineers Department to the Final Plat be made.

Mr. Horrocks seconded the motion. Motion passed 4-0, Ayes: McFarland, Horrocks, Springer, and Berbach.

Menards Home Improvement Center, Pt IL 2135, HS zoning, Weller/Harmony Dr. – Special Use & Site Plan Review

Mr. Vath said there are two requests from Menards. The applicable code sections are §154.050(E)(2) and §154.120-§154.122. A home improvement center is a Special Use and the general requirements were provided in the staff report. The design should be harmonious and appropriate in appearance to the neighborhood. Menards has stepped forward and upgraded the exterior of their

structure to include a brick façade, shown on Attachment E. They will also incorporate a 14' tall fence/wall around the entire rear yard and has upgraded to include brick columns that break up the expanse of the wooden wall/fence. A photo was also provided. Staff wished to note that Menards is doing this as a "market-rate" project with no incentives or abatements provided by the City. Menards will be investing over \$1.4 million in public improvements including the traffic signal, etc.

He continued that there are 3 different entry points to this facility, one on Harmony and 2 on Weller Drive. There are some specific use requirements outlined in Code §154.122(B)(9). Immediate access to a major thoroughfare shall be required but if there are two or more 60' right-of-way streets and the site is less than 2,000 feet from two different major thoroughfares, then Planning Board may waive the requirement for direct major access, (Ordinance 05-07). There are three 60' rights-of-way streets adjacent to the Menards parcel, Weller, Harmony and Kinna Drives. Staff noted that the site is less than 2,000 feet from W. Main St and CR 25A. Therefore the Planning Board may waive the requirement for direct major thoroughfare access.

Mr. Vath continued with the Site Plan review. The site is within the HS Highway Service Zoning District. It meets or exceeds all minimum lot area frontage requirements. It meets all yard depth requirements for the Weller and Harmony Drive sides but Kinna Drive to the warehouse is only 15.4' from the public right-of-way. Menards has gone through the variance process and the Bd. of Zoning Appeals granted a variance to allow the construction to be as close as 9.5 feet. There are transitional requirements about abutting different properties. The northern property line has a 50.8' setback and it will have a 14' tall wood privacy fence interspersed with brick columns. The northern side will also have a 4' tall landscape berm planted with 14 trees of varied species.

The structural requirements are 50' for maximum building height. This store is to be 30' above the finish floor elevation. There will be two main structures, the main store and a customer-accessible rear warehouse. The rear fence will be \pm 1400 linear feet. The landscaping plan shows 22 trees for 945 linear feet of frontage. The interior parking lot landscaping requires 10 sq. ft. of interior landscaping for each parking space. There are to be 11 landscaping islands at the eastern end of each parking aisle. These islands will provide two flowering crab trees per island. The 474 off-street parking spaces require 4,740 sq. ft. of interior parking lot landscaping and a chart in the staff report gave the breakdown of plant material to be used.

The total required off-street parking spaces is 406. The Menards site will provide 473 standard spaces. The spaces utilized by the cart corrals (8) and the tie down shed were not included in this total count. The required handicapped parking spaces are 5 and this site will have 12. A photometric diagram indicates the lot will have an average of 2.92 lumens.

There are additional features on the site. There is a utility island which is in the front/center row of the off-street parking area. This will contain various utilities, (generator, electrical connection box, etc). It will also contain one flowering crab tree. There are 4 cart corrals requiring two parking spaces each. Mr. Vath pointed out that advertising is not

permitted on the corrals. There is also a tie-down shed located on the northeast corner of the primary Menards building. If a customer buys large lumber supplies one is able to tie those items down before leaving. The lumberyard area and all deliveries will be accessed via an ingress/egress feature on the northern side of the primary building. A gravel rip-rap area along the western side of the warehouse adjacent to the extension of Kinna Drive is shown on the plans, but Menards prefers to place a concrete channel running the western length of the warehouse building. It will lead to a new catch basin which must be tied into the storm sewer system. The trash collection facilities will be located on the western side of the building enclosed within the 14' tall fence/wall.

Mr. Vath said Fire Chief Kessler has reviewed the plans and Menards has applied for the "Knox Box" for the emergency access to building keys. The layout of fire hydrants has also been reviewed.

There has been extensive talk regarding the storm water calculations. This property is on Lot #4 and which will detain and retain the storm water on the east side of Weller Drive and then it will be released out to the storm water system.

Mr. Vath said there are two motions that could be made by the Planning Board. The first one is regarding the Special Use Permit and staff recommended two conditions:

1. The Planning Board finds that there are two or more 60' right-of-way streets adjacent to the parcel and the site is less than 2,000 feet from two different major thoroughfares, and waives the requirement of immediate access to a major thoroughfare, in accordance with Code §154.122(B)(9)(a).
2. The Planning Board grants a Special Use Permit for the Menards Home Improvement Center.

The second motion was regarding the Site Plan Approval and there were 5 conditions recommended by staff:

1. The applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction/undertaking of any such proposed modifications.
2. No signage is approved with this site plan approval, with all proposed signage requiring a separate Sign Permit issued by the City of Tipp City, and subject to review and approval.
3. All merchandise, new and used, with the exception of sales of plants and garden supplies when approved as a temporary use, shall be stored within a completely enclosed building or within the 14' tall fenced in yard area.
4. The storm water run-off from the warehouse shall be collected in a concrete swale which discharges to a new catch basin(s), said modification shall be made to the final released construction plans.
5. The veneer screen wall brick elevation section found on sheet 9 of 10 (Attachment "B") shall be installed at each bend in the fence/wall, integrated along the rear of the warehouse area, and shall have a maximum spacing between veneer screen wall brick sections of 96.5 feet.

Mr. Vath said Mr. Lee and Mr. Schroeder were available to

answer any questions. Mr. Lee wished to thank staff and the Planning Board for their support on this project. Mr. Vath said Menards was anxious to get started and it was a different to be approving the Final Plat along with a site plan. Since they are the primary developer of the project, it seemed appropriate and helpful to get both underway at the same time.

Mr. Springer verified that the Board would receive site plans for any future lot development in the Park. Mr. Vath said anytime a commercial/industrial lot develops in Tipp City, it has to come before Planning Board for review and approval as well as any modifications in sites.

As there were no further comments or questions, Mr. McFarland **moved to approve the Special Use Permit per staff's 2 conditions noted in the report.** Mr. Berbach seconded the motion. Motion passed 4-0.

Mr. McFarland **moved to approve the site plan for Menards with the 5 conditions in the staff report, emphasizing #1, if there are any modifications to the site plan, they must be reviewed and approved by Planning Board prior to any construction and in condition #4, and the storm water will be collected in a concrete channel.** Mr. Berbach seconded the motion. Motion passed 4-0.

Mr. McFarland asked when the project might start. Mr. Vath said the Final Plat was going to City Council on Monday, June 18 for review and a first reading. It may be approved July 16th. Mr. Lee said they anticipated opening in 2008 so they will need to start as soon as possible.

Ace Hardware, 910 W. Main St., PC zoning-Temporary Use permit for seasonal sales

Ace Hardware was requesting a renewal of their temporary use permit to display one or two pallets of seasonal merchandise between the entrance/exit doors at the front of the building. The merchandise is moved inside overnight. Similar requests have been received for this use with the last one being March 13, 2007. Staff has not received any complaints regarding such a display. Staff had no objections but had 3 conditions: 1) The pallets shall be displayed according to the approved site plan provided by the applicant, 2) the seasonal merchandise shall not be displayed for more than 100 days; or 3) the applicant shall seek Planning Board approval for any outdoor display of seasonal merchandise beyond September 20, 2007.

Mr. Springer **moved to approve the Temporary Use Permit for 910 W. Main St., for Ace Hardware per the conditions in the staff report.** Mr. Horrocks seconded the motion. Motion passed 4-0.

Tipp City Board of Education, Howell Field Track & Clawson Field, 555 N. Hyatt St.- Site Plan Review and Expansion of Special Use

Mr. Spring said the Tipp Board of Education is asking for approval for a site plan modification within in an R-1C (Residential) zoning district for the expansion of the Howell Field Track. The items proposed were as follows:

1. The replacement and expansion of the existing six-lane running track from its current (non-standard) configuration to a regulation eight-lane 400 meter configuration. The proposal includes the complete removal of the existing track surface, and installation of

- an all-weather track surface.
2. The removal and replacement of the existing pole vault, long jump, and high jump facilities within the infield of the existing/proposed track area.
 3. The addition of a 10' x 12' (120 sq. ft.) asphalt pad within the track infield for the installation of timing equipment.
 4. The installation of a 2" and a 4" conduit directly west from the asphalt pad noted in # 3 above under the track to provide electrical power and connections for the timing equipment.
 5. The removal and replacement of the existing 3' 6" chain-link fencing surrounding the existing/proposed track area. The proposed 3' 6" fencing will include the installation of four (4) 5' wide gates about the track as well as two (2) 12' wide gates near the southwest and southeast corners of the track area.
 6. The addition of a 5' wide asphalt walkway adjacent to and outside of the 3' 6" fencing noted in # 5 above. The walkway would run from southwest corner of the track to the existing bleachers at the center of the west side of the track, then continue around the outside perimeter of the track fencing to the existing entranceway at the southeast corner.
 7. The construction of an "entrance feature" at the southeast corner of the track facility adjacent to an existing 6' chain-link fence surrounding the track facility. The "entrance feature" would consist of two (2) tapered brick columns topped with a polygonal aluminum sign panel. The columns would be \pm 3' 8" square at the base and 14' tall. The sign panel would be \pm 2' tall and \pm 25' wide. The sign panel would be erected on top of and between the two (2) columns.
 8. The addition of a \pm 90' cone shaped grass discus throwing area, which will include painted striping to demark the discus distances. The discus area will be located \pm 40' south of the track area near the southeast corner.
 9. The addition of two (2) \pm 40' cone shaped grass shot put throwing areas, which will include painted striping to demark the shot put distances. The shot put areas will be located \pm 40' south of the track area near the southwest corner.
 10. The addition of a 5' wide asphalt walkway which would connect the discus and shot put areas noted in #9 above. The walkway would be \pm 140' in length.
 11. The addition asphalt walkway which would connect the existing off-street parking area to the baseball backstop. The walkway would be 5' wide and \pm 330' in length (see attachment "F") – Clawson Field.

Mr. Spring continued with the expansion of the Special Use. A school use is within in the R-1C zoning district but it does need Planning Board review and approval. Mr. Spring said that Code §154.122(B)(30) does state that accessory uses and buildings necessary for the carrying out of the school program are permitted. The school complex meets the minimum acreage, frontage, and setbacks, with no setback being reduced through this request.

Mr. Spring stated that City Engineer Vagedes had concluded that storm water detention/retention for the proposed renovation/expansion is not necessary, with the overall addition to the impermeable area being minimal. The track area and walkways sheet drain into the existing

grass field surrounding the track complex.

Mr. Spring said there were several of the proposed items that are listed as "alternates" on the site plan. The school district was requesting review of all proposed items to allow flexibility to install the various components as funding will allow.

Mr. Spring said staff recommended approval of the request with the following conditions:

1. Installation of any signage in or proximate to the track facility and/or the "entrance feature" noted above shall require a separate Sign Permit subject to approval.
2. The School must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan ***prior*** to the construction/undertaking of any such proposed modifications.

Mr. Vath clarified in the discus area there is some hard surface where the thrower stands and it is noted on the plans. Mr. McFarland asked for questions. Mr. Springer asked if there were any changes to the bleachers. Dr. Kronour, Superintendent of Tipp City Schools, came forward and said the only change was that the entrance to the bleachers will be from the side rather than the front. Mr. Berbach asked if some trees could be planted for shade. Mr. Vath said some trees could be recommended but that would be up to the property owner. Mr. Springer asked about the bleachers shown at the discus area; was this just a concept. Dr. Kronour said it was a concept sketch, they could be portable bleachers. The existing bleachers were repaired by Bruns General Contracting; they just need the ends revised. He was hoping the track renovations could be done at one time. Some of the alternates could be done in stages.

Mr. Springer **moved to accept the site plan and the expansion of the Special Use as presented in the staff report for 555 N. Hyatt Street including the two conditions listed.** Mr. Berbach seconded the motion. Motion carried 4-0.

Ferguson Construction
for Zion Lutheran
Church, 14 W. Walnut
St. IL 4018- Site Plan
Review

Mr. Spring said the Church in conjunction with its expansion project is requesting approval for one additional parking space (10' x 20'). This will bring the total number of spaces to 34 standard spaces. The area for the proposed off-street parking lot was previously occupied by a house that was demolished in May 2007. The single off-street space will be adjacent to an additional six spaces that were approved on December 12, 2006 at the southwest corner of the lot.

Mr. Spring said the landscaping, detention/retention and drainage, and lot lighting were all approved on August 9, 2005. Staff recommended approval of the proposed expansion with the conditions that the applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan ***prior*** to the construction/undertaking of any such proposed modification.

Mr. Vath said the Church came forward and stopped the process before Ferguson began construction of the additional space.

Dale's Good Year, 26
S. Tippecanoe Dr., IL
2025, GB zoning-
Temporary Use

Mr. McFarland **moved for approval for the expansion of the off-street parking for Zion Lutheran Church, 14 W. Walnut with the condition that the applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction/undertaking of any such proposed modification.** Mr. Springer seconded the motion. Motion passed 4-0.

Mr. Spring said the applicant is seeking approval for a Temporary Use for a 6-day tire "Truckload Sale". The dates are June 28 to July 3, 2007. They would have a standard size semi-trailer parked angularly parked within the northwest corner of the parking area and erect a 30' x 30' tent with tires stacked and displayed under the tent. Staff recommended approval of the Use with the following conditions:

1. The Temporary Use shall only be valid June 28, 2007 through July 3, 2007.
2. The semi-trailer shall be dropped off no earlier than June 22, 2007 and removed no later than July 5, 2007
3. The applicant shall obtain approval from the Tipp City Fire Chief prior to the erection of the proposed 30' x 30' tent regarding fire safety regulations
4. Gas inflatable signs/devises as defined in Code §154.092 (streamers, inflatable pontoon balloons, inflatable tires, etc.) shall be prohibited noted in Code §154.095.
5. Food (hot dogs, etc) can be provided at no charge; however prepared food shall not be sold during the Temporary Use event without prior approval from the Miami County Health District.

Mr. McFarland asked if this was not similar to the request for last year's sale. Mr. Spring said that it was. Mr. Berbach asked if there were issues about some balloons used. Mr. Spring said that is the reason for Condition #4 as they are not permitted by our Code.

Mr. Berbach **moved to approve the temporary use for Dale's Goodyear, 26 S. Tippecanoe Drive with the 5 conditions listed in the staff report.** Mr. Horrocks seconded the motion. Motion passed 4-0.

City of Tipp City, Kyle
Park, IL 2451 & Pt
2450, Site Plan
Review

Mr. Spring said the City is seeking approval of the site plan to construct a new restroom and storage facility in Kyle Park. The structure would be 30'-8" wide, 30'-8" long, and 16' tall and will include an additional 4' roof overhang at the north end of the structure. It will be utilized as a public restroom facility and a storage structure for Jr. Baseball. The plan also delineates a 30'-8" x 34'-8" area at the south of the building for future storage. It will be located in between the two existing baseball quads approximately 1300' from the northern property line, 700' from the southern property line, 4300' from the eastern property line, and 2500' from the western property line.

Mr. Spring continued that the structure will lie within a "Zone A" Special Flood Hazard Area designated by FEMA, being the Taylorsville Dam retarding basin. On May 16, 2007 the BZA granted a variance of 24.5 feet to Code §153.31(B) to allow for the construction of the facility at an elevation of 790.5 feet above sea level rather than the required 815

feet above sea level. Being in the retarding basin requires a permit from the Miami Conservancy District. If the Planning Board approves the construction, the City will utilize "credits" with the MCD in order to obtain an approved permit. These credits are generated when material is removed from the retarding basin. This permit will be acquired prior to the commencement of construction.

The proposed location is in conformance with the Kyle Park Master Plan and is located in one of the highest areas of the park. Mr. Springer said there would be no adverse effects of any storm drainage of the structure's roof. The restroom will be serviced with a sanitary sewer lift station. Water fountains will be installed with the restroom facility. Staff noted that a similar structure was approved for Kyle Park by Planning Board on January 8, 2002 after a variance was granted for construction in the Flood Plain by the BZA.

Staff recommended approval with two conditions:

1. The City would obtain an approved Retarding Basin Permit from the Miami Conservancy District prior to the commencement of construction.
2. The City must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction/undertaking of any such proposed modifications.

Mr. Springer said he needed some explanation on the drawing. Mr. Vath verified the location of the building. There was a walkway shown but Mr. Vath said that was a future project along with some parking areas. The future expansion shown by dashed lines would be graveled at this time. Mr. Springer asked how the building will look. Mr. Vath said he was not sure the design was completed but it will be similar to the other structure, a split-faced block. Mr. McFarland asked if there would be block left out on the bottom in case of flooding. Mr. Springer said that was discussed but it will not be done due to the possibility of "critters" getting in. Mr. Vath said this area has not flooded to anyone's memory but it is still in the flood area. Mr. Springer asked if all of the baseball equipment will be stored in this facility. Mr. Springer said it would not and some of the pods will need to be utilized for continued storage.

Mr. McFarland **moved to approve the site plan for the City of Tipp City Kyle Park restroom/storage structure with the two conditions listed in the staff report.** Mr. Springer seconded the motion. Motion passed 4-0.

Mr. Springer said the applicant was seeking to add the Legacy District (LD) designation to the property at 321 N. Fourth St. which is zoned I-1D. It was inadvertently not included with the initial properties for the original overlay district in the Reuse Plan adopted by the City Council on August 7, 2006. Staff recommended a public hearing date for the July 10, 2007 meeting.

Mr. McFarland **moved to set a public hearing for July 10, 2007 for this zoning map amendment for 321 N. Fourth Street.** Mr. Berbach seconded the motion. Motion passed 4-0.

The City annexed this 23.203 acres and the annexation was

Set Public Hearing-
Diane Grandinette, 321
N. Fourth St. IL 854 &
Pt. OL 65- Add LD
overlay district

Set Public Hearing-

City of Tipp City, IL
4049, E. Main St. (SR
571)- Zoning Map
Amendment

effective May 21, 2007. Interim zoning was not requested as it is a City property. Code §154.018(C) says that permanent zoning must be recommended within three months after the effective date of the annexation. Staff recommended a July 10, 2007 public hearing date.

Mr. Berbach **moved to set a public hearing for July 10, 2007 for the zoning map amendment for the City of Tipp City, Inlot 4049, E. Main Street from F-1 (Miami Co.) to CD/FA/WP.** Mr. Horrocks seconded the motion. Motion carried 4-0.

Set Public Hearing- US
Bank for S. Joe
Eidemiller, 610 W.
Kessler- Cowles Rd.
Zoning Map
Amendment

Mr. Spring said the applicant was requesting a public hearing for a zoning map amendment for this property. It is a 75.565 acre tract currently zoned I-1/POI. A study session with the applicant, City Council, and the Planning Board will be set to discuss the specifics of this request prior to the public hearing. It was recommended a hearing be set for July 10, 2007. Mr. Vath said the study session will be June 18, 2007 at 6:30pm in the Conference Room. A map provided to the Board showed a reduction in the amount of commercial development from the last request.

Mr. McFarland **moved to hold a public hearing on July 10, 2007 for the property located at 610 W. Kessler-Cowlesville Road.** Mr. Berbach seconded the motion. Motion carried 4-0.

Old Business
Arbogast Buick
Pontiac GMC, 3540 S.
CR 25A- Revised Site
Plan Approval

Mr. Spring said on May 8, 2007, Planning Board reviewed the following request for site plan approval for a modification to the Dave Arbogast site. Staff notes that the vote ended in a 2-2 tie, and Code §36.074(B) states that when only a quorum is present and a vote ends in a tie, the matter shall become an agenda item for the next business meeting.

Mr. Spring said there are two modifications:

- 1) The addition of a \pm 255 sq. ft. raised circular concrete display area, which would be located in the northeast corner of Pt IL 3344. This display area will be 18' in diameter and 6" in height with an 18" turndown edge. This addition has already been constructed prior to Planning Board approval. The proposed display area is 0' from the eastern property line and 5' from the northern property line.
- 2) The addition of the circular concrete area noted above reduces the number of previously approved striped "display spaces" from thirteen to eleven on the property located at 3540 S. CR 25A.

Mr. Spring continued that on May 23, 2007, the applicant also requested the following additional modifications to the originally approved site plan:

1. The removal of a \pm 25' x 40' landscaping bed which surrounded the previous gas station pole sign. This area will now be maintained in grass.
2. The addition of two (2) entry arch features to the eastern façade of the structure. The larger (northern) arch will protrude \pm 5' out from the original façade of the existing structure. The smaller (southern) arch will protrude \pm 3' out from the original façade of the existing structure.
3. The expansion of the walkway area from the originally approved

3.6' to 7' in wide.

4. The removal of 11 individual "display space" markings at the east-central portion of the off street parking area. The individual lines will be replaced by a horizontal line, running the width of the horizontal area, which will demark the display area (this was similarly done at Voss Honda).

Mr. Spring stated that the September 12, 2006 site approval for 3540 S. CR 25A for Dave Arbogast Buick Pontiac GMC and Dave Arbogast Suzuki did include the condition that authorization of any proposed modification be approved by Planning Board prior to the construction/undertaking of any such proposed modifications.

Mr. Spring said staff recommends that any Planning Board approval contain the following conditions:

- 1) The applicant must obtain approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction/undertaking of any such proposed modifications.
- 2) The applicant must locate and flag all property pins adjacent to County Rd 25A for verification of the position of the "proposed" display area, prior to the issuance of the Final Certificate of Occupancy.
- 3) The applicant shall be required to obtain a Zoning Compliance Permit (ZCP) prior to the commencement of the expansion of the building (entry arches).
- 4) All previous conditions of the September 12, 2006 Planning Board site plan approval for both 3520 & 3540 CR 25A still apply.

Mr. Springer asked if there were any major changes from the last site review. Mr. Spring said there are 4 specific additions listed in the staff report, removing a landscaping bed, adding additional arches to the structure, widening a walkway, and removing some of the individually striped display spaces. These are additions to last month's site review. Mr. Berbach asked what has happened with the display area since the last meeting. Mr. McFarland said it is still sitting there.

Mr. Tom Boardman, Mr. Arbogast's representative, said these should be the final plans as they are the final plans approved by Suzuki. To his knowledge these should be the last changes unless Suzuki has something else they want done. Mr. Boardman said the installation of the display area was done in an oversight as there are two contractors working on the site and the building. Mr. McFarland said it will greatly improve the site from what it has been.

Mr. Springer **moved to accept the revised site plan for 3540 S. CR 25A, Pt. Inlot 3344 with the 4 conditions noted in the staff report.** Mr. Horrocks seconded the motion. Motion passed 4-0.

Mr. McFarland reported for Mr. Blake that the sponsorship for the ordinance for the zoning map amendment for the Eidemiller property was withdrawn.

Mr. Berbach reported that the Ordinance to amend the zoning map for the addition of the Legacy District was passed.

Miscellaneous

City Council Reports:
May 21, 2007

June 4, 2007

Board member
comments

Mr. Berbach said he would attend the City Council meeting on June 18 or July 16 for Mr. Blake.

Mr. Horrocks said he would not be able to attend the work session on June 18, but he would try to draft up some comments on the matter.

Mr. McFarland thanked Mr. Vath for the input from the Law Director regarding Executive Sessions. He also asked Mr. Vath for some information on the information included in the packet from the Economic Development Summit. Mr. Vath said he had given the Board members copies of the PowerPoint presentation given at the Summit that occurred. There had been representatives from the State, County, Dayton Development Coalition, and the City speaking to Council members, Township trustees, and school officials regarding the economic status of Tipp City and looking at some potential changes.

Adjournment

There being no further business for discussion, Mr. McFarland **moved that the meeting be adjourned.** Mr. Springer seconded the motion. The motion unanimously carried. Chairman McFarland declared the meeting adjourned at 9:40 pm.

Michael McFarland, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary